

REMARKS/ARGUMENTS

Claims 1 - 14 are pending in the application. Claims 15 - 17 have been cancelled. Claims 7 and 14 have additionally been cancelled. The specification and claims 1 - 6 and 8 - 13 have been amended and new claims 18 - 23 have been added. Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has accordingly amended claim 10 to overcome the rejection. Claims 1 - 3, 6 - 12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Laaksonen (WO 03/041525 A1) (hereinafter, "Laaksonen") in view of Rayfield et al. (U.S. Pat. No. 4,242,769) (hereinafter, "Rayfield"). Claims 4 - 5 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Laaksonen in view of Rayfield and further in view of Tsai (GB 2 312 643 A). The rejections will be discussed in turn below.

The Rejection of Claims 1 - 3, 6 - 12 and 14 under 35 U.S.C. § 103(a)

Independent claims 1 and 11 stand rejected as unpatentable over Laaksonen in view of Rayfield. Applicant asserts that neither the Laaksonen nor the Rayfield reference, alone or in combination, disclose each and every element of independent claims 1 and 11, and thus respectfully requests that the rejection be withdrawn. Claims 1 and 11, as amended, require, in part, "wherein the side surfaces defining the slits and/or holes are normally in abutment and/or in close proximity when the sheet is flat or unflexed". Rayfield does not disclose side surfaces of slits/holes which are normally in abutment and/or in close proximity when in a flat or unflexed state. Instead, Rayfield discloses openings or orifices 58 which are not disclosed as having side surfaces that are normally in abutment

in an unflexed state. (See Rayfield, Figs. 1 - 3, Specification). Furthermore, Laaksonen is unable to cure Rayfield and provide a disclosure of side surfaces of slits/holes which are normally in abutment and/or in close proximity when in a flat or unflexed state. In contrast, Laaksonen discloses apertures which are open at all times to achieve breathability, with claim 1 of Laaksonen characterized in that "the size of the accessory in a free state is such that putting the accessory onto its object of use always causes the accessory to stretch, so that the cuts in the cellular plastic open to make the construction breathable" (Laaksonen, claim 1) (emphasis added) and "the accessory is always made to stretch" (Laaksonen, Abstract) (emphasis added).

Thus, both Laaksonen and Rayfield disclose garments having fully open apertures in the buoyant means which disadvantageously reduces the thermal insulation and also reduces the degree of buoyancy is reduced as there is less buoyant material because of the large open apertures which have been produced by removal of the material. Therefore, because neither Rayfield nor Laaksonen, alone or in combination, disclose side surfaces of slits/holes which are normally in abutment and/or in close proximity when in a flat or unflexed state, Applicant respectfully asserts that independent claims 1 and 11 are not obvious in view of the cited references, and respectfully requests that the rejection be withdrawn. Furthermore, claims 2 - 6, 8 - 10, 12 - 13 , and 18 - 23 depend upon and incorporate the limitations of independent claims 1 and 11, and overcome the obviousness rejection due to their dependence upon independent claims 1 and 11.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully asserts that claims 1 - 6, 8 - 13, and 18 - 23 are in a condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encourage to telephone the undersigned at 515/558 - 0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50 - 2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a stylized flourish at the end.

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